

PATENT
P-6011

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): AMISS et al.

SERIAL NO.: 10/721,091

GROUP:

FILING DATE: November 26, 2003

EXAMINER:

FOR: COMPOSITIONS AND METHODS FOR MEASURING ANALYTE
CONCENTRATIONS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION
OR WITH A RULE 1.114 RCE APPLICATION)**

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO/SB/08A(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☐ Some or all of the documents listed on the PTO/SB/08A are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d. ☐ **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.

In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge Deposit Account No. 02-1666 in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

or

- b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-1666 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-1666.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-1666 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

By *Sacanda Wagner*
Sacanda Wagner, Reg. No. 42,207

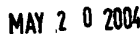
Date: May 18, 2004

Becton, Dickinson and Company
1 Becton Drive, MC 089
Franklin Lakes, New Jersey 07417
(201) 847-6659

Enclosures: ☒ PTO/SB/08A,
☒ Documents
☐ Foreign Search Report
☐ Fee
☐ Other:

(Rev. 01/03/03)

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ON: <u>May 18, 2004</u>	
BY: SUSAN R. WAGNER <u><i>Susan R. Wagner</i></u> (SIGNATURE)	<u>5/18/04</u> (DATE)



PTO/SB/08A (04-03)
Approved for use through 04/30/2003. OMB 0651-0031

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Complete if Known

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

Application Number	10/721,091
Filing Date	November 26, 2003
First Named Inventor	AMISS, et al.
Art Unit	
Examiner Name	
Attorney Docket Number	P-6011

Sheet	1	of	2
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

US-		FOREIGN PATENT DOCUMENTS				T ^o	
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear		
		WO 3025220	03-27-2003	FEHR, et al.			
		WO 0049183	08-24-2000	LI, et al.			
		EP 464533	01-08-1992	LAUFFER, et al			
		EP 232262	08-19-1987	MASCARENHAS			

Examiner
Signature

Date	
Considered	

Examiner Signature	Considered
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes considered. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁵ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁶ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁷ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁸ Applicant is to place a check mark here if English language Translation is attached.</p>	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.114. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number 10/721,091

Filing Date November 26, 2003

First Named Inventor AMISS et al.

Art Unit

Examiner Name

Attorney Docket Number P-6011

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		CARILLO et al., "The Multiple Sequence Alignment Problem in Biology", SIAM L. Appl. Math., (1998) 48:1073-82.	
		DEVEREUX et al., Nucleic Acids Research 12:387 (1984).	
		GRIBSKOV et al., "The Codon Preference Plot: Graphic Analysis Of Protein Coding Sequences And Prediction Of Gene Expression", Nucleic Acids Res, (1984) 12:539-49.	
		MIYAWAKI et al., "Fluorescent Indicators For Ca ²⁺ Based On Green Fluorescent Proteins And Calmodulin", Nature, (1997) 388:882-87.	
		RATTAN et al., "Protein Synthesis, Posttranslational Modifications, And Aging", Ann N Y Acad Sci, (1992) 663:48-62.	
		SEIFTER et al., "Analysis For Protein Modifications And Nonprotein Cofactors", Methods Enzymol, (1990) 182:626-46.	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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